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*Attorneys for Interested Party  
Nevada Department of Corrections*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TERRENCE DAVIS,

Plaintiff,

vs.

KLEER,

Defendants.

Case No. 3:22-cv-00152-MMD-CLB

**ORDER GRANTING**

**MOTION TO EXTEND 90-DAY STAY**

Interested Party, Nevada Department of Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and John C. Dorame, Deputy Attorney General, hereby requests this Honorable Court grant an extension of the 90-day stay of proceedings in this matter.

This motion is based upon the following memorandum of points and authorities, as well as all pleadings, documents, and exhibits on file in this matter.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. FACTUAL AND PROCEDURAL BACKGROUND**

This is a *pro se* prisoner civil rights action brought by Plaintiff Terrance Davis (“Davis”) asserting claims pursuant to 42 U.S.C. § 1983. ECF No. 3 at 1:11-13. The Court allowed Davis to proceed with a single First Amendment claim for retaliation against Proposed Defendant Macelen Kleer (“Kleer”). ECF No. 3 at 6:15-16. In his Complaint, Davis sues for events that allegedly took place while Davis was incarcerated within the Nevada Department of Corrections (“NDOC”) at Ely State Prison (“ESP”). ECF No. 3 at 3:14-16.

1 At the time the Court screened Davis' Complaint, the Court also put in place a 90-  
2 day stay to "allow [Plaintiff] and [Defendant] an opportunity to settle their dispute before  
3 the \$350.00 filing fee is paid, and answer is filed, or the discovery process begins." ECF  
4 No. 3 at 6:22-24. The Screening Order also directed the Office of the Attorney General  
5 ("OAG") to file a report ninety days after the screening order to indicate the status of the  
6 case at the end of the stay. ECF No. 3 at 7:1-4. The OAG has submitted its report,  
7 informing the Court that after a mediation on October 11, 2022, the Parties were able to  
8 reach a successful settlement agreement. ECF No. 9.

9 The OAG prepared the settlement agreement, and it has been circulated and  
10 executed by the respective parties. The fully executed agreement is now in the possession  
11 of NDOC officials and pursuant to the same, the NDOC has thirty (30) days to comply  
12 with the agreement. The agreement also requires the OAG to file a stipulation to dismiss  
13 the matter within seven (7) days of NDOC's compliance with the agreement. As such, the  
14 OAG intends to submit a stipulation to dismiss this matter on or before November 17,  
15 2022.

## 16 **II. LEGAL ARGUMENT**

17 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as  
18 follows:

19 When an act may or must be done within a specified time, the court may, for  
20 good cause, extend the time: (A) with or without motion or notice if the court  
21 acts, or if a request is made, before the original time or its extension expires;  
or (B) on motion made after the time has expired if the party failed to act  
because of excusable neglect.

22 The OAG submits this motion—as directed—contemporaneously with the 90-day  
23 stay report. The OAG's request will not hinder or prejudice Lumpkin's case as the matter  
24 has been settled and the OAG is requesting only a short extension up to and including  
25 November 17, 2022.

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1 **III. CONCLUSION**

2 Good cause exists to extend the ninety (90) day stay in this matter and Interested  
3 Party, Nevada Department of Corrections, respectfully requests the Court extend the stay  
4 up to and including November 17, 2022.

5 DATED this 17th day of October 2022.

6 AARON D. FORD  
7 Attorney General

8 By:

  
9 JOHN C. DORAME, Bar No. 10029  
Deputy Attorney General

10 *Attorneys for Interested Party*  
11 *Nevada Department of Corrections*

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13 **IT IS ORDERED.**

14 Date this 17th day of October, 2022.

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17 United States Magistrate Judge  
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